



STATEWIDE GRIEVANCE COMMITTEE

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Second Floor – Suite Two

287 Main Street, East Hartford, Connecticut 06118-1885

Attorney Mark Dubois
Chief Disciplinary Counsel
80 Washington Street
Hartford, CT 06106

Attorney Roger R. Caridad
State's Attorney Office
120 School Street – Suite 208
Danielson, CT 06239

RE: Grievance Complaint #04-0313, Windham Judicial District Grievance Panel v. Caridad

Dear Chief Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee has reviewed the *Conditional Admission and Agreement as to Discipline* (hereinafter "*Conditional Admission*") filed July 27, 2004 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on August 5, 2004, the undersigned hereby APPROVE the *Conditional Admission*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Chief Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

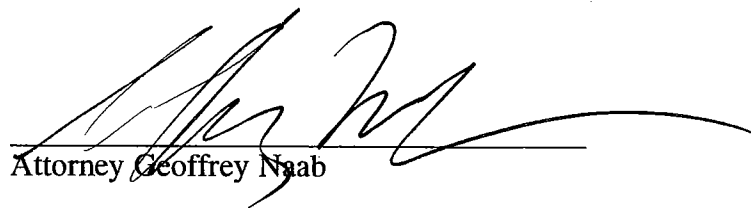
So ordered.

cc: Grievance Counsel Gregory A. Benoit
Attorney Matthew E. Frechette
Attorney Gail S. Kotowski

(04)

(jf)

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Attorney Geoffrey Naab

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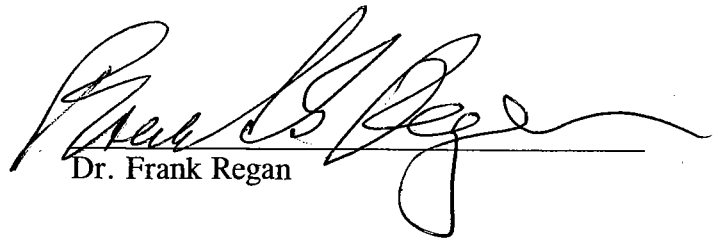


Attorney Shari Bornstein

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Dr. Frank Regan

STATEWIDE GRIEVANCE COMMITTEE

NO. 04-0313

WINDHAM JUDICIAL DISTRICT LOCAL PANEL
Complainant

Vs.

ROGER CARIDAD
Respondent

CONDITIONAL ADMISSION AND AGREEMENT AS TO DISCIPLINE

Pursuant to Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by grievance complaint filed by the Complainant local panel on March 31, 2004.
2. On June 7, 2004 the Grievance Panel for Waterbury Judicial District found probable cause that the Respondent had violated Rules 1.7(b)(1) and (2) and 8.4 (4) and (5) of the Rules of Professional Conduct in connection with his relationship with a woman who was a childhood friend of a criminal defendant whom he was prosecuting.
3. The Respondent has tendered a conditional admission of fact in accordance with his affidavit attached hereto, admitting certain of the facts of the complaint.
4. The Conditional Admission is essentially the same as the answer that Respondent filed to the grievance complaint-he admits the conduct in question and also admits that his conduct represented a breach of the Rules of Professional Conduct and a significant deviation from appropriate norms both as an attorney and a member of the Office of the State's Attorney.

5. Respondent has already been subject to discipline by the Chief State's Attorney, and has been reinstated to full duty with the Office of the State's Attorney. There have been no further complaints against him.
6. Respondent has been admitted to practice since 1987. He has no history of public discipline.
7. Respondent has agreed to accept a reprimand for his conduct.
8. Disciplinary Counsel has agreed to recommend to the Statewide Grievance Committee that the matter be resolved with the issuance of a reprimand.
9. A copy of the Conditional Admission and Affidavit, along with the proposed order has been sent to the Complainant, Windham Local Panel.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its approval in accordance with Practice Book § 2-82 (b).

Date

7/24/04

Office of Disciplinary Counsel

By Mark A. Dubois
Chief Disciplinary Counsel

Respondent Roger Caridad

Date

8-5-04

Matthew E. Frechette
Matthew Frechette, his attorney

AFFIDAVIT

STATE OF CONNECTICUT)

SS: WINDHAM

COUNTY OF WINDHAM)

I am over the age of 18 and believe in the obligations of an oath. Pursuant to Practice Book §2-82, I make the following affidavit:

1. The Conditional Admission attached hereto and made a part hereof is voluntarily submitted.
2. I herein consent to the form of discipline set forth in the proposed decision attached Conditional Admission and made a part thereof;
3. I am aware that I have a right to a full evidentiary hearing on this matter and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the implications of my this Affidavit and Conditional Admission;
5. I am aware of the current proceeding regarding my violation of Rules 1.7 and 8.4 as it specifically relates to my engaging in a personal relationship with a female friend of a defendant, Jason Gulino, whom I was prosecuting as well as having an acquaintance with the defendant's mother.
6. I acknowledge my actions violated Rules 1.7 and 8.4 of the Rules of Professional Conduct.
7. This Honorable Committee should note that I did not immediately realize that I had placed myself in an inappropriate and vulnerable position at the time of my relationship with the defendant's friend and and acquaintance with his mother. I now realize that what I had viewed as an innocent relationship with Madeliene Meakem and acquaintance with Mr. Gulino's mother led to what could be perceived as an appearance of impropriety and created a situation in which my integrity might be questioned. This Honorable Committee should note that at no time did I disclose to any third party any confidential or privileged material concerning the underlying criminal case in the case of State of Connecticut v. Gulino. Further, Mr. Gulino was ultimately sentenced and as noted by the Chief State's Attorney the State's interests were never actually compromised. The

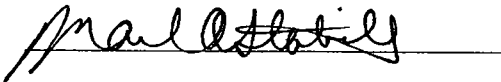
foregoing in no way excuses my conduct but is proffered to this Honorable Committee in order to place into context my actions and thought process.

8. As a result of my actions, Chief State's Attorney Morano suspended me without pay for 30 days in May/June of 2003. (A copy of the decision of the Chief State's Attorney dated May 15, 2003 is attached hereto and incorporated herein as Exhibit 1). The Chief State's Attorney found that my actions did not actually compromise the State's interest in the underlying criminal case of State of Connecticut v. Gulino. The Chief State's Attorney also noted in his decision the extent of the undersigned's contrition and my prompt acknowledgment of responsibility for my actions as being important to the resolution of the issues concerning my actions in this matter.
9. I am acutely embarrassed by my actions and am furthermore remorseful that I did not realize at the time that my actions were in violation of Rules 1.7 and 8.4 of the Rules of Professional Conduct. I now realize that my actions were inappropriate. I have no prior disciplinary record and have fully, freely and promptly cooperated with both the Chief State's Attorney and this Honorable Committee's investigation concerning my conduct. This Honorable Committee may also wish to consider the fact that the undersigned has been penalized by the Chief State's Attorney with a 30 day unpaid suspension which effectively suspended me from the practice of law for the 30 days of the suspension.

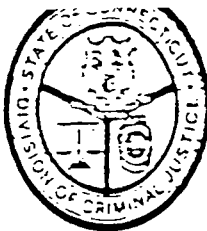


Subscribed and sworn to before me

this 6th day of July, 2004.



Commissioner of the Superior Court



DIVISION OF CRIMINAL JUSTICE

OFFICE OF
THE CHIEF STATE'S ATTORNEY

CHRISTOPHER L. MORANO
CHIEF STATE'S ATTORNEY

300 CORPORATE PLACE
ROCKY HILL, CONNECTICUT 06067
TELEPHONE (860) 253-5500

May 15, 2003

Roger R. Caridad
Senior Assistant State's Attorney
195 Windy Hill Road
Hampton, Connecticut 06247

Dear Attorney Caridad:

I have carefully considered all of the information collected in the administrative investigation in this matter, the comments and information you presented at the pre-disciplinary hearing of May 1, 2003, and your letter of May 1, 2003, received by me after the hearing.

I have concluded that you should have disqualified yourself from the *State v. Gulino* cases as a result of your admitted personal relationship with the defendant's female friend and your admitted social relationship with the defendant's mother during your prosecution of the *Gulino* cases. Yet, you failed to apprise your supervisor of the circumstances or take affirmative steps to recuse yourself. Your conduct was a serious breach of prosecutorial ethics.

Your relationship with the defendant's female friend appears to have pre-dated your assignment of the *Gulino* cases. It is plain, however, that you were aware, or should have been aware, of the conflict of interest presented by this personal relationship during the period of your prosecution of the cases. Similarly, you were aware, or should have been aware, of the conflict of interest posed by your social relationship with the defendant's mother who, on at least one social occasion, asked you about her son's (the defendant's) cases. These relationships, in which your personal interests could be allowed to compromise your professional responsibility as an advocate for the state, threatened the fair administration of justice in these cases.

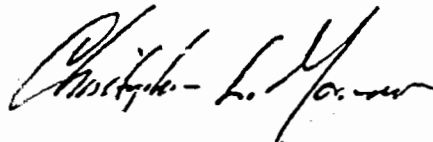
I have concluded, after consultation with State's Attorney Froehlich, that your activities did not actually compromise the state's interests in the *Gulino* cases. Had these circumstances gone undetected, however, your continued involvement in these matters might have raised meritorious grounds to challenge the disposition of the defendant's criminal charges.

I note your contrition at the pre-disciplinary hearing and in your written response to the charges. Your recognition of your ethical misjudgment and your acceptance of responsibility for it are important to my resolution of this matter. I acknowledge your pledge to avoid activities that will place you in the ethical dilemma portrayed here, but I hasten to add that any repetition of such conduct may result in the termination of your employment.

Taking all of the facts and circumstances into consideration, you are hereby suspended without pay for the two pay periods beginning Friday, May 16, 2003, and ending at the close of business on Thursday, June 13, 2003. You are not to report for work or otherwise engage in prosecutorial duties at any time between May 16 and June 13, 2003. Further, upon your return to duty, you will be required to successfully complete an ethics course to be determined by the Division of Criminal Justice.

This disciplinary action is taken pursuant to Article 13, Section 2 of the Collective Bargaining Agreement between the Division of Criminal Justice and the Connecticut Association of Prosecutors.

Sincerely,



CHRISTOPHER L MORANO
CHIEF STATE'S ATTORNEY

cc: Patricia M. Froehlich, State's Attorney
Steven M. Sellers, Deputy Chief State's Attorney
John F. Cronan, Executive Assistant State's Attorney
Frederick Fawcett, Supervisory Assistant State's Attorney
Mark Stabile, Supervisory Assistant State's Attorney
Susan Claus, Personnel Officer
Saranne P. Murray, Esq.